

7 FAM 1790 INTERNATIONAL ADOPTION

*(CT:CON-102; 02-27-2005)
(Office of Origin: CA/OCS/PRI)*

7 FAM 1791 INTRODUCTION

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- a. **Summary:** International adoptions are an extremely important part of consular work, both domestically and overseas. International adoptions, which involve both local and U.S. laws and processes, can be complicated and confusing. There are few cases more tragic than a foreign adoption that does not meet U.S. immigration requirements, preventing the issuance of an immigrant visa and causing distress and hardship to the parents and children. Adoptions transcend the normal boundaries between American Citizens Services (ACS) and Immigrant Visa (IV) processing, a fact reflected in the joint responsibility of CA/VO and CA/OCS, through its Office Of Children's Issues (CA/OCS/CI), for adoption matters. In order to provide the best possible service to prospective adoptive parents, posts need to know where to go for assistance and guidance on adoption issues and processing. This chapter outlines the division of responsibility between CA/VO/F and CA/OCS/CI on adoption issues and areas of coordination, and is intended as a useful reference guide. Basic rules for communications: all cables concerning adoption issues should include both the "CVIS" and "KOCI" tags to ensure delivery to both CA/VO and CA/OCS/CI. The guidance provided below pertains primarily to non-cabled communications, including where to direct public inquiries.
- b. **Information:** The Bureau of Consular Affairs Internet website has a great deal of useful information that will help prospective parents get off to the right start and avoid potential pitfalls. Any U.S. citizen/national thinking of adopting overseas should be directed to the website's adoption booklet that, among other things, outlines what the Department can and cannot do to assist prospective parents. The booklet also explains the role of U.S. Citizenship and Immigration Services (USCIS) in adoption cases, the U.S. legal definition of an orphan, and the Form, I-600a "Application for Advance Processing of Orphan Petition" and Form, I-600 "Petition to Classify Orphan as Relative", and process.

Key U.S. Government Internet Pages on International Adoption ...

U.S. Department of State

Bureau of Consular Affairs

International Adoption

Country Specific Information

Adoption Information

Hague Convention on Inter-Country Adoption

Hague Implementation

Important Notices

Orphan Visa Statistics

Other Sources of Information

Contact Information

Visas – Adopting a Child

Family Liaison Office

Adoption Guidelines for the Foreign Service Family

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services ...

Intercountry Adoptions

U.S. Department of Health and Human Services

Administration for Children and Families (HHS/ACF)

National Adoption Information Clearinghouse

Federal Citizen Information Center

International Adoptions – Differences to Expect

- c. **Country Adoption Information:** CA/OCS/CI is the place to turn for country specific information on foreign adoption regulations and requirements. As the Department's primary liaison with the public, prospective adoptive parents, and congress on adoption issues, CA/OCS/CI is responsible for preparing, updating, and disseminating information on adoption requirements in foreign countries. Posts should feel free to direct inquirers to CA/OCS/CI, either via askci@state.gov or by telephone (Toll free 888-407-4747 for general information; or (toll) 202-736-9099).

Note: The same country-specific information is useful to posts when processing an immigrant visa case that involves a third-country adoption.

- d. **Keep Us Informed of Developments:** CA/OCS/CI depends heavily on overseas posts to keep its information on foreign adoption requirements and procedures updated and complete. Because CA/OCS/CI fields many inquiries from prospective parents and adoption agencies, it is crucial that posts report promptly on any changes to local adoption laws, requirements, or procedures. This will help CA/OCS/CI respond directly to inquiries, rather than refer callers to the post for assistance.
- e. **Immigrant Visa Process:** If you are not sure about how to process an IR-3 or IR-4, ask CA/VO/F/P. This includes questions on whether a child meets the U.S. legal definition of an orphan, as well as basic "how to's" of handling an Form, I-600 petition. Questions concerning the proper classification (IR-3? IR-4? IR-2?) of a case, as well as those regarding potential ineligibilities, should be sent to CA/VO/L/A as an advisory opinion request.
- f. **Hague Adoption Convention:** Posts often receive inquiries regarding whether the United States is a party to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Adoption Convention). At the time of this writing (or "As of 2005"), the United States has signed but not ratified the Convention. In 2000, the Senate gave its advice and consent to the Convention, and Congress passed implementing legislation, the Intercountry Adoption Act of 2000 (IAA), Public Law 106-279, 42 U.S.C. Chapter 143 Inter-Country Adoptions. The IAA identifies the Department as the Central Authority for purposes of the Convention. At the time the IAA was passed, Congress stipulated that the United States could not deposit its instrument of ratification of the Convention until the Department had made numerous regulatory and organizational changes required by the Convention and the IAA. The Department is in the process of making those changes. Information on the status of implementation of the Convention and the IAA will be posted on the Hague Implementation feature on the Consular Affairs Internet home

page under the heading Children and Families. Inquiries from host governments can be directed to CA/OCS/CI. Consular officers can check whether a country is party to the Convention on the Hague Permanent Bureau Internet webpage status table.

- g. **State Adoption Laws:** When processing adoption immigrant visa cases, consular officers sometimes encounter questions relating to State adoption laws, particularly concerning State requirements after the adoption has been pronounced in the country of origin. Information on State legal requirements is available from the National Adoption Information Clearinghouse, a division of the Department of Health and Human Services. Consular officers are encouraged to contact the Department if they have questions concerning State adoption requirements.
- h. **Public Inquiries:** Public inquiries should be referred to the Bureau of Consular Affairs Internet page, which includes the public numbers for CA/OCS/CI and CA/VO/P/I. Consular officers, consular associates and Foreign Service national employees with questions should refer to the "Who's Who in CA" listing on the CA intranet that includes information on officers' portfolios and numbers for "in-house use." officers assigned to posts with significant adoption workloads - or problematic adoption issues – are always welcome to arrange consultations with CA/OCS/CI for an overview, and with CA/VO/F/P on processing issues.

Also see:

7 FAM 1100 Acquisition of Citizenship

7 FAM 1300 Passport Services

9 FAM 42.21 Notes

7 FAM 1792 THROUGH 1799 UNASSIGNED